

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VINCENT DE GIOVANNI,)
MARIETTE BARROS, DIAMANTINO)
FERNANDES, MARIA PINTO, and)
all others similarly situated,)
Plaintiffs,)
v.) C.A. No. 07-10066-MLW
JANI-KING INTERNATIONAL, INC.,)
JANI-KING, INC., and)
JANI-KING OF BOSTON, INC.,)
Defendants.)

ORDER

WOLF, D.J.

June 8, 2012

For the reasons described in detail in court on June 6, 2012,
it is hereby ORDERED that:

1. The plaintiffs' Motion for Summary Judgement regarding prong two of the misclassification test, Mass. Gen. Laws ch. 149, §148B(a)(2) (Docket No. 184) is ALLOWED.
2. The defendants' Motion for Summary Judgment regarding prong two of the misclassification test (Docket No. 189) is DENIED.
3. The defendants' Motion to Decertify Class (Docket No. 187) is DENIED.
4. By July 20, 2012:
 - (a) The parties shall confer and report whether any agreement has been reached to resolve this case.
 - (b) If the case is not settled, the parties shall report whether they wish to participate in mediation to be conducted by a magistrate judge, by this court, or by a private mediator.

(c) If the case is not settled and the parties do not wish to engage in mediation, they shall submit, jointly if possible and separately if necessary, a proposed schedule for future proceedings in this case.

6. If necessary, a scheduling conference shall be held on August 6, 2012 at 4:00 p.m. Representatives of each party with full settlement authority shall attend.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE